

MANDATE

S.D.N.Y.—N.Y.C.
13-cv-8275
Crotty, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 11th day of March, two thousand fifteen.

Present:

Dennis Jacobs,
Circuit Judge,^{*}
Jesse M. Furman,
District Judge.^{**}

**USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:** _____
DATE FILED: March 11, 2015

In re Acacia Research Corporation,

14-4501

Petitioner.

Petitioner has stipulated, pursuant to a settlement agreement, to withdraw its mandamus petition, but now moves to vacate the district court order that is the subject of this proceeding. Upon due consideration, it is hereby ORDERED that the motion to vacate is DENIED. Petitioner has not demonstrated that “extraordinary circumstances” warrant deviating from the rule that where a losing party voluntarily enters into a settlement agreement, he “has voluntarily forfeited his legal

* Judge Raymond J. Lohier, Jr. has recused himself from consideration of this motion. Pursuant to Second Circuit Internal Operating Procedure E(b), the matter is being decided by the two remaining members of the panel.


** Judge Jesse M. Furman, of the United States District Court for the Southern District of New York, sitting by designation.

MANDATE ISSUED ON 03/11/2015

remedy by the ordinary processes of appeal . . . thereby surrendering his claim to the equitable remedy of vacatur.” *U.S. Bancorp Mortgage Co. v. Bonner Mall P’ship*, 513 U.S. 18, 25, 29 (1994). Furthermore, the parties’ stipulation of withdrawal is hereby SO ORDERED.

FOR THE COURT:

Catherine O’Hagan Wolfe, Clerk




A True Copy

Catherine O’Hagan Wolfe, Clerk

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United States Court of Appeals, Second Circuit